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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,762	12/05/2003	Alexander H. Siemons	EIE/072US	3209
26875	7590	05/20/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP			PHAM, LAM P	
2700 CAREW TOWER			ART UNIT	
441 VINE STREET			PAPER NUMBER	
CINCINNATI, OH 45202			2636	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/729,762

Applicant(s)

SIEMONS ET AL.

Examiner

Lam P. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8, 15, 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 8, 15, 22, the phrase "any combination thereof and some combination thereof" renders the claims indefinite because it is unclear what limitations following the phrase are included in claimed invention.

Claim 8 recites the limitation "the signal at the controller" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the observer" in line 10. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Dempsey et al. (US 6057758) in view of Weiss (US 2003/022109 A1).

**Regards claim 1**, Dempsey disclose a method for communicating human medical data to a user comprising:

providing a remote display unit (100A) including an enclosure and a display (300) for communicating medical data to the user; wherein the display unit is portable and carried by a user as seen best in Figure 3; col. 7, lines 20-67 and col. 8, lines 1-8.

However, Dempsey fails to disclose the enclosure attached to a fastener and fastening the enclosure onto an object within view of the user to communicate the dental data to the user instead of medical data.

It has been known in the art, many portable or handheld devices (cell phone or PDA or pager or GPS) having carriers, pouches, straps, clips or adhesives for fastening devices to an object or subject within view of the user to provide hands free to users.

Weiss in "Device for carrying portable equipment" teaches of a carrying device for carrying a cell phone, PDA having straps for fastening to the user's arm or other objects to provide user hands free to do other tasks as seen in Figures 1-7; [0020] to [0037].

In view of Weiss teaching, it would have been obvious to one of ordinary skilled in the art to make use of the carrying device for containing and fastening the display device of Dempsey to an object or subject within view of a user and whether the display device displaying medical data or dental data is the intended use.

**Regards claim 2**, Dempsey further disclose comprising generating the data (medical or dental) at a medical base unit (patient monitoring device 106) remote from the remote display unit as seen in Figures 1-3; col. 6, lines 6-48.

**Regards claim 3,** Dempsey disclose further comprising receiving at the remote display unit (100 A, 100B) a control signal (message) conveying the dental or medical data as seen in col. 6, lines 35-65.

**Regards claim 4,** Dempsey disclose receiving the control signal further includes receiving a wireless transmission as seen in Figures 1-2; col. 6, lines 49-65.

**Regards claim 5,** Dempsey disclose further comprising communicating the dental or medical data from a dental or medical base unit (106) to the remote display unit (100A, 100B) as seen in Figures 1-3; col. 6, lines 35-65.

**Regards claim 6,** Dempsey disclose further comprising selectively (filtered input data addressed to the handheld device) communicating the dental or medical data to the user via the remote display unit as seen in col. 10, lines 9-26.

**Regards claim 7,** Dempsey disclose further communicating a remote control signal (a request for data) configured to affect operation of a dental or medical base unit from the remote display unit to the base unit as seen in col. 8, lines 47-55.

**Regards claim 8,** Dempsey disclose receiving a signal (message or data) at a controller (processor 400) further comprises receiving the signal from a base unit (106 or 108) configured to measure a parameter selected from the group consisting of: heart rate, blood pressure, blood oxygen measurement, ECG waveform of a patient as seen in Figures 3; col. 7, lines 63-67 and col. 8, lines 1-8. However, Dempsey fail to disclose the parameter selected from the group consisting of: an instrument location, an instrument orientation, a power status, a direction of rotation, a motor speed, a torque level, a power level, a magnification setting, a reservoir capacity, a flow rate, a pressure

reading, a temperature reading, a time hack, a display setting. Since, these measured parameters are for intended application, it would have been obvious to one of ordinary skilled in the art to desirably obtain any parameter as intended for a particular application.

**Regards claim 9**, Dempsey disclose further comprising altering the dental or medical data communicated via the display in response to at least one of received user input and an occurrence of a preset condition.

**Regards claim 10**, Dempsey disclose communicating the dental/medical data to the user further includes at least one of initiating the display and generating an audio cue in response to a preset condition (receiving incoming message) as seen in col. 7, lines 63-67, col. 8, lines 1-9, col. 9, lines 44-55.

**Regards claim 11**, Dempsey disclose communicating the dental/medical data to the user further includes communicating dental data comprising a plurality of dental/medical parameters as seen in Figure 3; col. 8, lines 1-7.

**Regards claim 12**, Dempsey disclose communicating the dental/medical data to the user further includes communicating dental/medical data comprising a product (alarms for anomalies) derived from a plurality of dental/medical parameters as seen in col. 6, lines 20-34.

**Regards claim 13**, Dempsey disclose further comprising updating the dental/medical data via real-time feed from the base unit as seen in col. 8, lines 1-8.

**Regards claim 14**, Dempsey disclose a remote display unit comprising:  
an enclosure (housing for handheld device 100A);

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a display (300) coupled to the enclosure, the display configured to communicate medical data to the user; and

a controller (processor 400) in communication with the display configured to receive a control signal that conveys the medical data from a medical base unit (patient monitoring device 106) having an associated display remote from the enclosure, wherein the controller is further configured to adjust the display to communicate the medical data to the user from a position as seen in Figures 1-4; col. 4, lines 40-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67 col. 9, lines 1-67.

Dempsey fail to disclose having a fastener for attachment to a position within view of a user during a dental procedure;

It has been known in the art, many portable or handheld devices (cell phone or PDA or pager or GPS) having carriers, pouches, straps, clips or adhesives for fastening devices to an object or subject within view of the user to provide hands free to users.

Weiss in "Device for carrying portable equipment" teaches of a carrying device for carrying a cell phone, PDA having straps for fastening to the user's arm or other objects to provide user hands free to do other tasks as seen in Figures 1-7; [0020] to [0037].

In view of Weiss teaching, it would have been obvious to one of ordinary skilled in the art to make use of the carrying device for containing and fastening the display device of Dempsey to an object or subject within view of a user and whether the display device displaying medical data or dental data is the intended use.

**Regards claim 15,** Dempsey disclose the dental/medical data includes a parameter selected from the group consisting of: heart rate, blood pressure, blood oxygen measurement, ECG waveform of a patient as seen in Figures 3; col. 7, lines 63-67 and col. 8, lines 1-8. However, Dempsey fail to disclose the parameter selected from the group consisting of: an instrument location, an instrument orientation, a power status, a direction of rotation, a motor speed, a torque level, a power level, a magnification setting, a reservoir capacity, a flow rate, a pressure reading, a temperature reading, a time hack, a display setting. Since, these measured parameters are for intended application, it would have been obvious to one of ordinary skilled in the art to desirably obtain any parameter as intended for a particular application.

**Regards claim 16,** Dempsey disclose transmission of the control signal to the controller is wireless as seen in Figures 1-2; col. 6, lines 49-65.

**Regards claim 17,** Dempsey disclose the controller effectively simultaneously receives the medical parameters from medical base units as seen in col. 8, lines 1-9.

**Regards claim 18,** Dempsey disclose the controller initiates disabling at least a portion (medical display) of the remote display when not receiving alarm signal from patient monitor for power saving purpose as seen in col. 4, lines 40-65.

**Regards claim 19,** Dempsey disclose the controller (processor 400) communicates the dental/medical data by conjunctively processing multiple dental/medical parameters (heart rate, blood pressure, oxygen measurement) in order to display them to the user as seen in figure 3; col. 8, lines 1-9.

**Regards claim 20**, Dempsey disclose the display includes a presentation device selected from the group consisting of at least one of: a liquid crystal display, a television, a light emitting diode as seen in Figure 3;

**Regards claim 21**, Dempsey disclose the display is adjusted (changed) in response to at least one of user input (validate alarm or request information) and an occurrence of a preset condition (receiving an alarm condition) as seen in col. 7, lines 48-67 and col. 8, lines 1-61.

**Regards claim 22**, Dempsey disclose the dental/medical data is communicated in a format selected from the group consisting of: text, a graph, a color scheme, video, a numerical readout, a symbol, a shape scheme, a light as seen in Figure 3.

**Regards claim 23**, Dempsey disclose further comprising a circuit (speaker and audio circuit) for generating an audio signal as seen in col. 9, lines 44-54.

**Regards claim 24**, Dempsey disclose a remote dental display system, comprising:

- a medical unit (106) for generating medical data, wherein the medical unit includes an associated display (not shown); hospital monitoring units have displays.

- an enclosure (housing);

- a remote display (300) coupled to the enclosure, the display configured to communicate medical data to the user; and

- a controller (processor 400) in communication with the display (300) configured to receive a signal that conveys the dental data from the dental unit, wherein the controller is further configured to adjust the display to communicate the dental data to

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the observer from the position as seen in Figures 1-4; col. 4, lines 40-67, col. 5, lines 1-67, col. 6, lines 1-67, col. 7, lines 1-67, col. 8, lines 1-67 col. 9, lines 1-67.

Dempsey fail to disclose having a fastener for attachment to a position within view of a user during a dental procedure;

It has been known in the art, many portable or handheld devices (cell phone or PDA or pager or GPS) having carriers, pouches, straps, clips or adhesives for fastening devices to an object or subject within view of the user to provide hands free to users.

Weiss in "Device for carrying portable equipment" teaches of a carrying device for carrying a cell phone, PDA having straps for fastening to the user's arm or other objects to provide user hands free to do other tasks as seen in Figures 1-7; [0020] to [0037].

In view of Weiss teaching, it would have been obvious to one of ordinary skilled in the art to make use of the carrying device for containing and fastening the display device of Dempsey to an object or subject within view of a user and whether the display device displaying medical data or dental data is the intended use.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Erland (US 6525664) discloses a control console remote monitoring system.

Rashdan (US 2003/0223455A1) disclose a system for communicating using portable device.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham  
May 11, 2005

  
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